REMARKS

Claims 1-28, 30 and 31 are currently active.

The Examiner has rejected Claim 29 under 35 U.S.C. 112. Claim 29 has been canceled.

The Examiner has rejected Claims 1-31 as being anticipated by Ganmukhi. Applicants respectfully traverse this rejection.

Referring to Ganmukhi, there is disclosed a hierarchical packet scheduling method and apparatus. Ganmukhi teaches a scheduler which can handle the QoS requirements of different sessions fairly and efficiently. See column 2, lines 33-36. Ganmukhi teaches there exists six QoS traffic classes on ATM networks. Two of the six, Ganmukhi teaches are unspecified bit rate + and, unspecified bit rate (UBR). Ganmukhi teaches that sessions of the UBR + class 23 are similar to those of the ABR class 18 but they do not involve network flow control. Ganmukhi teaches that ABR class 18 has associated with it a guaranteed minimum throughput or a minimum cell rate. In addition, ABR sources adjust their transmission rates from time to time as required by a standard flow control algorithm. See column 4, lines 35-44. Ganmukhi further teaches that the UBR Class 24 of sessions to not have any specific loss, delay, or throughput requirements. See column 4, lines 44 and 46. Thus, it is clear from the

teachings of Ganmukhi that only the UBR class 24 involve connections having unknown traffic characteristics with no parameters specified. The UBR + class 23 that Ganmukhi teaches has a guaranteed minimum throughput or minimum cell rates, which thus has parameters specified even though there is no flow control. Furthermore, Ganmukhi clearly teaches that the UBR + class is a totally different QoS, one of six, than the UBR quality service class. Thus, while UBR + class of QoS and UBR class of QoS share the term UBR, they are in fact distinct from each other and different QoS classes.
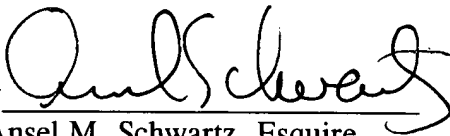
Ganmukhi does not teach or suggest to provide any type of weighting for connections having unknown traffic characteristics with no parameters specified. Applicants have amended the claims to more clearly distinguish the claimed invention from the applied art of record. The closest that Ganmukhi comes is two different QoS classes, where one is called UBR + and another is called UBR. However, Ganmukhi makes it very clear that the UBR + QoS class has parameters and is a distinct class from the UBR class that is taught to have no parameters specified with unknown traffic characteristics.

Accordingly, applicants' claims are not anticipated and are patentable over Ganmukhi. In view of Claims 28-31, Ganmukhi fails to teach or suggest these limitations because Ganmukhi is concerned with a hierarchical scheduler, not applicants' claimed invention.

In view of the foregoing remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-28, 30 and 31, now in this application be allowed.

Respectfully submitted,

HYONG S. KIM, ET AL.

By_____
Ansel M. Schwartz, Esquire
Reg. No. 30,587
One Sterling Plaza
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
(412) 621-9222

Attorney for Applicants